



LEWIS BRISBOIS BISGAARD & SMITH LLP

MEMO ENDORSED

October 26, 2023

Brian Pete
77 Water Street, Suite 2100
New York, New York 10005
Brian.Pete@lewisbrisbois.com
Direct: 212.232.1363

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VIA ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Martinez v. 189 Chrystie Street Partners, LP d/b/a The Box et al.*
Civil Case No.: 1:22-cv-03111-VEC

Dear Judge Caproni:

We represent Defendants in the above-referenced action. We submit this letter, with Plaintiff's consent, to request a stay of Defendants' time to respond to Plaintiff's Motion for Leave to File her Third Amended Complaint (Dkt. Nos. 76-78) pending the parties' initial conference scheduled for November 3, 2023.

By way of relevant procedural background, on October 2, 2023, Plaintiff filed a Motion for Leave to File a Second Amended Complaint ("October 2 Motion to Amend"), which removed her Eleventh and Twelfth Causes of Action in response to the Court's August 22, 2023 Opinion and Order directing the Plaintiff to, *inter alia*, show cause why the recordkeeping claims should be dismissed for lack of standing or to move for leave to file an amended complaint. (Dkt. No. 62) On October 11, 2023, Defendants submitted a letter to this Court advising that they did not oppose Plaintiff's October 2 Motion to Amend and requested that they be permitted to respond to Plaintiff's proposed Second Amended Complaint within 21 days of the Court's order granting Plaintiff's October 2 motion. On October 12, 2023, Your Honor granted Defendants' application and ordered that Plaintiff file her Second Amended Complaint by October 17, 2023, and that Defendants respond to it by November 7, 2023. (Dkt. No. 73) On October 17, Plaintiff filed a Motion for Leave to File her Third Amended Complaint ("October 17 Motion to Amend").

Pursuant to Rule 6.1(b) of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, Defendants' response to Plaintiff's October 17 Motion to Amend is due within 14 days after service, or by October 31, 2023. Due to the unique procedural posture of said motion, Defendants request that the October 31 deadline be stayed pending the parties' initial

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conference on November 3rd where the parties can discuss the appropriate procedural mechanism by which Defendants can address the October 17 Motion to Amend.

This is Defendants' first request for a stay of their deadline to respond to Plaintiff's October 17 Motion to Amend.

We thank the Court for its time and attention to this matter.

Respectfully,

/s/ Brian Pete

Brian Pete of
LEWIS BRISBOIS BISGAARD & SMITH LLP

Application GRANTED. Defendants' time to respond to the motion for leave to file an amended complaint is STAYED through November 3, 2023.
SO ORDERED.

 10/26/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE